

REMARKS

In the above-referenced Office Action, the Examiner rejected claims 12-15 and 17-21 under 35 U.S.C. § 102(e) as being anticipated by Walker et al., U.S. Patent No. 5,862,223 (Walker '233); rejected claims 1-5, 9, and 16 under 35 U.S.C. § 103(a) as being unpatentable over Walker '233 in view of Salas et al., U.S. Patent No. 6,233,600 (Salas); rejected claims 6-8 under 35 U.S.C. § 103(a) as being unpatentable over Walker '233 in view of Salas and further in view of Rackson et al., U.S. Patent No. 6,415,270 (Rackson); rejected claims 10-11 under 35 U.S.C. § 103(a) as being unpatentable over Walker '233 in view of Salas and further in view of Glasser et al., U.S. Patent No. 5,956,715 (Glasser); and rejected claims 22-23 under 35 U.S.C. § 103(a) as being unpatentable over Walker '223 in view of Walker et al., U.S. Patent No. 6,484,153 (Walker '153).

Rejections under § 102(e)

Independent Claim 12

The Examiner rejected claim 12 under § 102(e) as being anticipated by Walker '233. Applicants respectfully disagree with this rejection. Applicants' claim 12 recites a computer-implemented method that generates an optimized list of service offerings from seller postings, based on the buyer's requirements. The service offerings on the list are selected to satisfy as many of the buyer's requirements as possible but not necessarily all his requirements. The method then returns the optimized list to the buyer and accepts a purchase request from the buyer based on the list. An example of the method is shown in application Figure 13. In contrast, the system in Walker '233 either allows the buyer to select from all service offerings before the buyer submits his/her requirements for service, Walker '233, col. 25, lns. 1-20, or receives the buyer's requirements and then generates and returns a service offerings list that satisfy all (not some) of the buyer's requirements, Walker '233, col. 21, lns. 1-11.

Furthermore, claim 12 as amended, states that sellers are not prescreened before they can post. It is important to understand that the claimed invention is an "open" system. Any buyer and any seller can post and accept projects. The current amendment to claim 12 clarifies this "open" aspect of the system. The open aspect of our invention is very important. It gives more choices to the buyer and allows the buyer (who knows most about his project) to decide which seller best suits his needs. In addition, an open system allows unestablished seller a chance to become known and establish a reputation.

In contrast, Walker '223 only accepts postings by experts that have been qualified by a committee. Walker '233, col. 8, lns. 19-22; col. 17, ln 36 – col. 18, ln 22. Such as system is not “open” because it does prescreen experts, in contrast to the recitation of claim 12. A system such as Walker '223 does not give new sellers an opportunity to establish a reputation or to become known in the community since new sellers do not initially have credentials that will pass prescreening.

Based at least on the above patentable distinctions, applicants respectfully request that the rejection be withdrawn.

Dependent Claims 13-15

The Examiner rejected claims 13-15 under § 102(e) as being anticipated by Walker '233. Dependent claims 13-15 depend from the independent claim 12 and are patentably distinguishable over the cited references for at least the same reasons as discussed above in connection with claim 12. Applicants respectfully request that the rejections be withdrawn.

Independent Claim 18

The Examiner rejected claim 18 under § 102(e) as being anticipated by Walker '233. Applicants respectfully disagree with this rejection. Applicants' claim 18 recites a computer implemented method enabling a buyer to receive a bid from a seller on the project the buyer posted earlier on the website. After accepting the bid, the buyer works with the seller on the project in a collaborative workspace. An example of the work process within the workspace is shown in application Figure 12.

Our method allows any seller's bidding and does not prescreen sellers before they can bid. In contrast, the computer system of Walker '233 only accepts an expert's bid after he/she is qualified by the committee. Walker '233, col. 8, lns. 19-22; col. 17, ln 36 – col. 18, ln 22. As discussed above, applicants' invention is an “open” system and allows any seller to bid on a project. This type of system has a definite advantage over Walker '233, in which only prescreened, preapproved sellers may bid.

Moreover, our claimed method provides the buyer and the seller a collaborative workspace where the seller develops and delivers the project, and where the buyer can check on the project before the seller delivers. The computer system of Walker '233 only provides a synchronous communication application, similar to a realtime messenger, doing nothing more

than establishing a continuous communications channel between the end user and the expert, Walker '233, col. 26, ln. 58 – col. 27, ln. 3.

Based at least on the above patentable distinctions, applicants respectfully request that the rejection be withdrawn.

Independent Claim 19

The Examiner rejected claim 19 under § 102(e) as being anticipated by Walker '233. Applicants respectfully disagree with this rejection. Applicants' claim 19 recites a computer implemented method enabling a seller to post a service offering and receive from a buyer a purchase request for the posted service offering. After accepting the purchase request, the seller works with the buyer on the project in a collaborative workspace.

The method allows any seller's posting and does not prescreen sellers before they can post an offer. As discussed above, applicants' invention is an "open" system and allows any seller to post. This type of system has a definite advantage to Walker '233, in which only prescreened, preapproved sellers may post.

In contrast, the system of Walker '233 only accepts expert's posting after he/she is qualified by the committee, Walker '233, col. 8, lns. 19-22; col. 17, ln 36 – col. 18, ln 22.

Moreover, the claimed method provides the buyer and the seller a collaborative workspace where the seller develops and delivers the project, and where the buyer can check on the project before the seller delivers. An example of the work process within the workspace is shown in application Figure 12. The system of Walker '233 only provides a synchronous communication application, similar to a realtime messenger, doing nothing more than establishing a continuous communications channel between the end user and the expert, Walker '233, col. 26, ln. 58 – col. 27, ln. 3.

Based at least on the above patentable distinctions, applicants respectfully request that the rejection be withdrawn.

Independent Claim 20

The Examiner rejected claim 20 under § 102(e) as being anticipated by Walker '233. Applicants respectfully disagree with this rejection. Applicants' claim 20 recites a computer implemented method enabling a seller to place a bid on a project posted by a buyer and receive the buyer's acceptance information. The seller then works with the buyer on the project in a collaborative workspace. The claimed method allows any seller's bidding and does not

prescreen sellers before they can bid. *See* Figure 5c. As discussed above, applicants' invention is an "open" system and allows any seller to bid on a project. This type of system has a definite advantage to Walker '233, in which only prescreened, preapproved sellers may bid. The computer system of Walker '233 only accepts an expert's bidding after he/she is qualified by the committee, Walker '233, col. 8, lns. 19-22; col. 17, ln 36 – col. 18, ln 22.

Moreover, the claimed method provides the buyer and the seller a collaborative workspace where the seller develops and delivers the project, and where the buyer can check on the project before the seller delivers. An example of the work process within the workspace is shown in application Figure 12. In contrast, the system of Walker '233 only provides a synchronous communication application, similar to a realtime messenger, doing nothing more than establishing a continuous communications channel between the end user and the expert, Walker '233, col. 26, ln. 58 – col. 27, ln. 3.

Based at least on the above patentable distinction, applicants respectfully request that the rejection be withdrawn.

Independent Claim 21

The Examiner rejected claim 21 under § 102(e) as being anticipated by Walker '233. Applicants respectfully disagree with this rejection. Applicants' claim 21 recites a computer implemented method enabling a buyer to make a purchase request for a service offering posted by a seller and receive the seller's acceptance information. The seller then works with the buyer on the project in a collaborative workspace.

The claimed method allows any seller's posting and does not prescreen sellers. As discussed above, applicants' invention is an "open" system and allows any seller to post. This type of system has a definite advantage to Walker '233, in which only prescreened, preapproved sellers may post. The system of Walker '233 only accepts an expert's posting after he/she is qualified by the committee, Walker '233, col. 8, lns. 19-22; col. 17, ln 36 – col. 18, ln 22.

Moreover, the claimed method provides the buyer and the seller a collaborative workspace where the seller develops and delivers the project, and where the buyer can check on the project before the seller delivers. An example of the work process within the workspace is shown in application Figure 12. In contrast, the system of Walker '233 only provides a synchronous communication application, similar to a realtime messenger, doing nothing more

than establishing a continuous communications channel between the end user and the expert, Walker '233, col. 26, ln. 58 – col. 27, ln. 3.

Based at least on the above patentable distinction, applicants respectfully request that the rejection be withdrawn.

Rejections under § 103

Independent Claim 1

The Examiner rejected claim 1 under § 103(a) as being unpatentable over Walker '223 in view of Salas. Applicants respectfully disagree with this rejection. Applicants' claim 1 recites a computer implemented method that accepts a buyer's post of a project and then receives a bid from a seller. The method then allows the buyer to accept the seller's bid and works with the seller on the project in a collaborative workspace accessible by the buyer and the seller. An example of the work process within the workspace is shown in application Figure 12.

Our method allows any seller's bidding and does not prescreen the sellers before they can bid. *See* Figure 5c. In contrast, Salas does not disclose anything about sellers' posting of service offerings, and the system of Walker '233 only accepts an expert's bid after he/she is qualified by the committee, Walker '233, col. 8, lns. 19-22; col. 17, ln 36 – col. 18, ln 22. As a result, neither prior art teaches a computer system accepting any seller's posting without prescreening them, as recited for example in claim 1.

Applicants also note that the computer system of Walker '233 only provides a synchronous communication application, similar to a real time messenger, doing nothing more than establishing a continuous communications channel between the end user and the expert, Walker '233, col. 26, ln. 58 – col. 27, ln. 3. The computer system of Salas provides a file sharing system for networks, limiting accesses to its files to a group of users, Salas, col. 1, ln. 66 – col. 2, ln. 3. In the system Salas envisions, each user works on his home computer system, and other users have access to his files. The users cannot develop projects in a Salas system, they can only store files related to the projects in the system. As a result, neither prior art teaches a collaborative workspace “where the seller develops [] the project.”

Applicants further disagree with the Examiner's reasoning concerning why a person of ordinary skill in the art would have been motivated to combine Salas with the disclosure in Walker '233. The invention presented by Walker '233 “is an expert matching method and apparatus for managing communications between an expert [] and an end user,” Walker '233

(ABSTRACT), with no computer files involved. The invention presented by Salas is a collaborative work environment in which people can share files in a project, and discloses nothing about buyer posting projects, seller posting services, or a collaborative workspace. Because Salas and Walker '233 disclose unrelated inventions, applicants believe that it would not have been obvious to combine the cited documents as suggested, and further disagree that such a combination would have yielded the claimed invention, assuming for the sake of argument that such a combination could even be made.

Based at least on the above patentable distinctions, applicants respectfully request that the rejection be withdrawn.

Dependent Claims 2-5

The Examiner rejected claims 2-5 under § 103(a) as being unpatentable over Walker '223 in view of Salas. Since dependent claims 2-5 depend from the independent claim 1 and are patentably distinguishable over Walker '223 in view of Salas for at least the same reason as discussed above in connection with claim 1, applicants respectfully request that the rejections be withdrawn.

Dependent Claim 9

The Examiner rejected claim 9 under § 103(a) as being unpatentable over Walker '223 in view of Salas. Applicants respectfully disagree with this rejection. Applicants' claim 9 recites a collaborative workspace including communication tools, file structure, one or more workbenches, and one or more project management tools. An example of the collaborative workspace is shown in application Figure 3.

The combination of Walker '223 and Salas does not teach or suggest applicants' invention recited in claim 1. The computer system of Walker '233 only provides a synchronous communication application, similar to a real time messenger, doing nothing more than establishing a continuous communications channel between the end user and the expert, Walker '233, col. 26, ln. 58 – col. 27, ln. 3. The computer system of Salas provides a file sharing system for networks, limiting accesses to its files to a group of users, Salas, col. 1, ln. 66 – col. 2, ln. 3, and does not provide any tools to manage projects. As a result, neither prior art teaches a collaborative workspace with “one or more project management tools,” as illustrated in Figure 3 (workspace has software development, graphic design, and translation applications).

Applicants also note that dependent claim 9 depend from the independent claim 1, it is patentably distinguishable over Walker '223 in view of Salas for at least the same reason as discussed above in connection with claim 1.

Based at least on the above patentable distinctions, applicants respectfully request that the rejection be withdrawn.

Independent Claim 16

The Examiner rejected claim 16 under § 103(a) as being unpatentable over Walker '223 in view of Salas. Applicants respectfully disagree with this rejection. Applicants' claim 16 recites a computer implemented method that accepts a seller's post of a service offering and then receives a requirement for service from a buyer. The method then accepts the buyer's purchase request for the seller's service offering and allows the buyer and the seller to work on the project in a collaborative workspace accessible by only the buyer and the seller. An example of the work process within the workspace is shown in application Figure 12.

The combination of Walker '223 and Salas does not teach or suggest applicants' invention as recited in claim 1. Our method allows any seller's posting and does not prescreen sellers before they can post. In contrast, Salas does not disclose anything about sellers' posting of service offerings, and the system of Walker '233 only accepts expert's posting after he/she is qualified by the committee, Walker '233, col. 8, lns. 19-22; col. 17, ln 36 – col. 18, ln 22. As a result, neither prior art teaches a computer system accepting any seller's posting without prescreening them, as illustrated in Figure 5b.

Applicants also note that the computer system of Walker '233 only provides a synchronous communication application, similar to a real time messenger, doing nothing more than establishing a continuous communications channel between the end user and the expert, Walker '233, col. 26, ln. 58 – col. 27, ln. 3. The computer system of Salas provides a file sharing system for networks, limiting accesses to its files to a group of users, Salas, col. 1, ln. 66 – col. 2, ln. 3, and does not provide any tools to manage projects. As a result, neither prior art teaches a collaborative workspace with "one or more project management tools," as illustrated in Figure 3 (workspace has software development, graphic design, and translation applications).

Applicants further disagree with the Examiner's reasoning concerning why a person of ordinary skill in the art would have been motivated to combine Salas with the disclosure in Walker '233. The invention presented by Walker '233 "is an expert matching method and

apparatus for managing communications between an expert [] and an end user,” Walker ‘233 (ABSTRACT), with no computer files involved. The invention presented by Salas is a collaborative work environment in which people can share files in a project. Because Walker ‘233 is unrelated to files while Salas is about file sharing, applicants believe that it would not have been obvious to combine the cited documents as suggested, and further disagree that such a combination would have yielded the claimed invention, assuming for the sake of argument that such a combination could even be made.

Based at least on the above patentable distinctions, applicants respectfully request that the rejection be withdrawn.

Dependent Claims 6-8

The Examiner rejected claims 6-8 under § 103(a) as being unpatentable over Walker ‘223 in view of Salas in further view of Rackson. Since dependent claims 6-8 depend from the independent claim 1, they are patentably distinguishable over Walker ‘223 in view of Salas ‘600 for at least the same reason as discussed above in connection with claim 1. Applicants respectfully request that the rejections be withdrawn.

Dependent Claims 10-11

The Examiner rejected claims 10-11 under § 103(a) as being unpatentable over Walker ‘223 in view of Salas in further view of Glasser. Since dependent claims 10-11 depend from the independent claim 9, they are patentably distinguishable over Walker ‘223 in view of Salas for at least the same reason as discussed above in connection with claim 9. Applicants respectfully request that the rejections be withdrawn.

Dependent Claims 22-23

The Examiner rejected claims 22-23 under § 103(a) as being unpatentable over Walker ‘223 in view of Walker ‘153. Since dependent claims 22-23 depend from the independent claim 12, they are patentably distinguishable over Walker ‘223 for at least the same reason as discussed above in connection with claim 12. Applicants respectfully request that the rejections be withdrawn.

Dependent Claims 24-29

The new dependent claims 24-29 depend from the independent claims 1, 16, 18-21, respectively. As a result, they are patentably distinguishable over the Examiner’s cited prior arts

for at least the same reason as discussed above in connection with the according independent claims. Applicants respectfully request that these claims be allowed.

CONCLUSION

In sum, Applicants respectfully submit that claims 1-16 and 18-29 are patentably distinguishable over the cited references. Therefore, Applicants request reconsideration and allowance of these claims.

In addition, Applicants respectfully invite the Examiner to contact Applicants' representative at the number provided below if the Examiner believes it will help expedite furtherance of this application.

RESPECTFULLY SUBMITTED,
BEERUD D. SHETH and SRINIVAS
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